

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 KENNETH HATLEN,) 3:12-cv-00534-MMD-WGC
10 Plaintiff,)
11 vs.)
12 GREG COX, et al.,)
13 Defendants.)

ORDER
re: Docs. # 469 and # 475

15 Before the court are two motions filed by Plaintiff seeking a \$73.00 refund. (Docs. # 469 and
16 # 475.)¹ No response has been filed to either motion.

17 In Doc. # 469, Plaintiff states “3:11-01117 ‘was’ initially this case 3:12-cv-00534... I paid
18 \$73.00 and it was supposed to be refunded.” (*Id.*) In Doc. # 475, Plaintiff states “‘This’ case ‘534’ was
19 previously assigned case # 3:11-cv-01117 and before it was refiled a balance of \$73.00 was paid and was
20 to be returned to this plaintiff.” (*Id.*)²

21 The court has searched for the 3:11-01117 case which plaintiff states he filed. No such case
22 number exists in the unofficial northern division of the District of Nevada. Plaintiff's earlier case was
23 actually filed by Plaintiff in the unofficial southern division of the District of Nevada as case number
24 2:11-cv-01117. In that matter, the record reflects that after Plaintiff was granted *in forma pauperis* status
25 (Doc. # 4), Plaintiff moved to amend his complaint by way of a supplement (Doc. # 8). District Judge

¹ Refers to court's docket number.

² The court notes that none of the defendants who were named in Plaintiff's 2:11-cv-01117 case are named as defendants in the instant matter, 3:12-cv-00534-MMD-WGC.

1 Kent J. Dawson denied the motion to amend “by way of a supplement” and directed Plaintiff to file an
2 amended complaint which was complete within itself. (Doc. # 10.) When the court’s order (#10) was
3 returned to the court as undeliverable, Judge Dawson on September 14, 2011, dismissed the case with
4 prejudice for failure of plaintiff to comply with the rules and orders of the court, stating:

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6 Plaintiff, who is obligated to maintain a current address with the Clerk of the Court, LSR
7 2-2, has failed to advised the Court or the Clerk of his new address. Moreover, the
8 previously submitted complaint fails to state a claim upon which relief may be granted,
as it does not provide a plain statement of plaintiff’s allegations. Rather it simply
includes a list of defendants and an attachment of grievances that plaintiff alleges he has
submitted to personnel at the Clark County Detention Center.

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(Doc. # 12, 2:11-cv-01117-KJD-CWH.)

10 The court has inquired as to Plaintiff’s payments of his filing fee in case number 2:11-cv-01117.
11 The record reflects that Plaintiff did, indeed, make a payment of \$73.00 in this matter on October 26,
12 2011. However, as Hatlen recognized in his motion (Doc. # 475),³ the \$73.00 was the balance owing
13 on his installment obligation in the 2:11-cv-01117 case.

14

The order granting Plaintiff *in forma pauperis* status in that matter stated that:

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16 [P]laintiff will be required to prepay an initial installment of \$82.00, instead of having
17 to prepay the full \$350 filing fee for this action. The entire \$350 filing fee will, however,
remain due from plaintiff, and the institution where plaintiff is incarcerated will collect
money toward the payment of the full filing fee when petitioner’s institutional account
has a sufficient balance, pursuant to 28 U.S.C. §1915.

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(Doc. # 4, 2:11-cv-01117-KJD-CWH)

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Plaintiff’s motions seeking a refund (Docs. # 469 and # 475) are **DENIED**.

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IT IS SO ORDERED.

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DATED: September 2, 2015

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WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE

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³ “a balance of \$73.00 was paid.”